

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

FREDERICK MAGEE, JR.

PLAINTIFF

V.

CIVIL ACTION NO. 2:23-CV-64-KS-MTP

**THE BANK OF NEW YORK
MELLON CORPORATION, F/K/A
THE BANK OF NEW YORK;
SHELLPOINT MORTGAGE
SERVICING DBA; RUBIN LUBLIN,
LLC; and JOHN DOES 1-9**

DEFENDANTS

ORDER

On December 20th, 2023, the Magistrate Judge entered his Report and Recommendation [32] in this matter, recommending that the Court dismiss Defendant Rubin Lublin, LLC without prejudice for the Plaintiff's failure to comply with the Court's Order [24]. Plaintiff filed no objection to the Report and Recommendation.

As required by 28 U.S.C. § 636(b)(1), the Court has conducted an independent review of the entire record. The Court concludes that the Report and Recommendation [32] is an accurate statement of the facts and a correct analysis of the law in all respects. The Court clearly warned Plaintiff that failure to comply with its Order could result in dismissal of Defendant Rubin Lublin, LLC. [24] at p. 2. The Court also gave notice to Plaintiff that he could object to the Magistrate Judge's recommendation. [32] at p. 3. Plaintiff failed to show why his claims against Defendant Rubin Lublin, LLC should not be dismissed without prejudice for failure to prosecute and to timely serve process. He also did not object to the Magistrate Judge's Report and Recommendation. Therefore, the Court accepts, approves, and adopts the factual findings and

legal conclusions contained in the Report and Recommendation [32] entered by United States Magistrate Judge Michael T. Parker pursuant to 28 U.S.C. § 636(b)(1).

The Court *sua sponte* **dismisses** Defendant Rubin Lublin, LLC **without prejudice** pursuant to Rule 41.

SO ORDERED AND ADJUDGED this 23rd day of January 2024.

/s/ Keith Starrett

KEITH STARRETT

UNITED STATES DISTRICT JUDGE